

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

STEVEN G. MILLETT, MELODY J. MILLETT,
On Behalf of Themselves and All Others
Similarly Situated,

Plaintiffs,

v.

TRUELINK, INC.,
A Trans Union Company,

Defendant.

Case No. 05-599-SLR

MOTION TO FILE BRIEFS AND SUPPORTING MATERIALS OUT OF TIME

Plaintiffs Steven G. and Melody Millett ("Named Plaintiffs"), by and through counsel of record, present this Motion to file, out of time, their Motion for Partial Summary Judgment, Memorandum In Support, Reply Brief as to the class certification motion and the Appendix in Support of these pleadings. These four items were filed one day late and out of time. In support of their motion, Plaintiffs state as follows:

1. Motions for summary judgment and the reply brief concerning class certification were due to be filed on Thursday and Friday of last week.
2. The motions date had to be extended due to difficulties associated with the schedule of local counsel and Plaintiffs' counsel to coordinate the filing. Local counsel was in a complex and highly contested trial through Monday.
3. During the discussion with Defense counsel about filing on Monday rather than on Thursday and Friday, defense counsel indicated it had no objection to the filing of these pleadings on Monday.
4. When Ms. Yeager attempted to file the documents on Monday, the documents were delivered by the courier without the envelopes and envelope covers. The documents were delivered timely but local counsel was in trial and Ms. Yeager was unaware that

there was a problem with the manner in which the pleadings were filed. Defense counsel was served paper copies and electronic copies of all pleadings and two paper copies of the Appendix.

5. When it was reported to Ms. Yeager during the afternoon of October 1, 2007, Monday, that the Appendix would not be delivered for filing on Monday, opposing counsel indicated it would have no objection if the Appendix were filed today, October 2, 2007, rather than yesterday, October 1, 2007. The Appendix was, in fact, served on opposing counsel yesterday, October 1, 2007, and delivered to the Court for filing, as well. It was filed today, October 2, 2007.

Wherefore, counsel for Plaintiffs, respectfully request that this Court accept for filing out of time the pleadings of Plaintiffs which could not be filed on Monday, October 1, 2007, even though they were delivered on Monday, October 1, 2007.

Respectfully submitted,

/s/ Christopher J. Curtin

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COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, Christopher J. Curtin, Esq., hereby certify that on October 2, 2007, I electronically filed an Agreed Protective Order with Clerk of the United States District Court using the CM/ECF system, which will send electronic notice to the following:

William M. Lafferty, Esq.
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and that I served a copy electronically this day to the following:

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DATE: October 2, 2007